THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION NO.19013 OF 2005

Dated 29th August 2005

Between:

Smt.M.Ramakotamma W/o.R.Pitchaiah,

Aged 54 years, S.G.Assistant in Mandal Praja Parishad

Upper Primary School, Lingapuram, PrakasamDistrict.

…Petitioner

And

P.Pullaiah, Correspondent of Sri Srinivasa Aided

Upper Primary School, Cumbum & 5 others.

…Respondents

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O R D E R:

The petitioner seeks a direction to the respondents herein, to accord her B.Ed. scale, provided for in G.O.Ms.No.1038, Education Department, dated 14.9.1981, with effect from 15.10.1981.

The petitioner was appointed as a teacher, in a private upper primary school, in which the first respondent was the correspondent. It is stated that she was holding an aided post. On 16.3.1983, her services were terminated by the first respondent.

On an appeal preferred by her, before the Director of School Education, the post itself was withdrawn from the private institution, and transferred to the Panchayat Raj School, and the petitioner was appointed against it. The petitioner points out that by virtue of G.O.Ms.No.1038, dated 14.9.1981, she was entitled to be placed in B.Ed. scale, by the time she was dismissed by the first respondent, and had a Last Pay Certificate been given by them indicating that scale, she would have been placed in it, when she was reappointed on 29.10.1985, by the Block Development Officer, Bestawarapeta. The petitioner filed a suit, O.A., and other proceedings, in this regard.

Heard the learned counsel for the petitioner, learned Government Pleader for School Education, and Sri M.Prabhakar Rao, learned counsel for respondent No.6.

On the face of it, the claim of the petitioner cannot be accepted. The petitioner wants that her erstwhile employer must issue a Last Pay Certificate, by extending the benefit of B.Ed. scale. It is not as if she was drawing that scale, or any competent authority extended the benefit of it to her. When admittedly she was not drawing the B.Ed. scale, by the time she was dismissed, the question of directing the first respondent, to issue a Last Pay Certificate indicating that scale, does not arise. At any rate, the claim of the petitioner had become stale, and no relief as such, can be granted, after lapse of two decades, even if it was otherwise valid.

The writ petition is accordingly dismissed. There shall be no order as to costs.

29th August 2005

PAN